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C O N F I D E N T I A L SECTION 01 OF 03 YEREVAN 002074

SIPDIS

DEPARTMENT FOR EUR (BRYZA), PLEASE PASS USAID
NSC FOR MERKEL

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SUBJECT: ARMENIA'S REFERENDUM: INFLATED TURNOUT, OBSERVERS
CRITICAL

Classified By: Ambassador John M. Evans for reasons 1.5 (b) and (d)

Summary and Comment

11. (C) Official results for voter turnout contrast sharply with those reported by opposition and some independent local observers for Armenia's November 27 referendum on constitutional amendments. The 14-member group of observers from the Council of Europe -- the only international observers accredited for this referendum -- also noted the discrepancy between reported results and apparent lack of turnout and, in a press statement issued on November 28, declared that "the abuses that marred the referendum were against the intent and interest of the Armenian people." (Full text at para 11.) Armenia's Central Election Commission (CEC) reported voter turnout at 64.4 percent, far above the minimum participation required for the results to be considered valid. Preliminary CEC reports showed more than 93 percent of those who cast ballots voted "yes." Opposition groups claimed that turnout was less than 17 percent and are calling for citizens to protest in Yerevan on the afternoon of November 28. Informally, Council of Europe observers expressed their belief that the fraud was unnecessary; there would probably have been enough "yes" votes to win the day. In general, conduct of the ballot was mostly without incident, but there were reports of intimidation of opposition observers.

12. (C) The opposition has sought all along to use this ballot as a referendum on the legitimacy of the Kocharian government. Opposition leaders are calling for rally in Yerevan to protest the results. Aram Sargsian, leader of the radical opposition "Republic" party, has gone much further, calling for revolution. Because the opposition remains so fractured, the November 28 protest will almost certainly not pose a threat to the Kocharian government. But should the government overreact to the protest, as it did in 2004, it could unify the opposition and create the very problem it seeks to avoid. Given that there was no large-scale OSCE observer mission, the facts are difficult to determine. If pressed, we suggest using points similar to those at para 12. End Summary.

Referendum Gets Full Government Campaign

13. (C) Armenia conducted a national referendum on November 27. The only issue on the ballot was the approval of amendments to the Constitution. While far from perfect, the amendments would bring about greater separation of powers and provide for a more independent judiciary. The final draft of these amendments won the qualified approval of the Council of Europe's Venice Commission. After a slow start, the GOAM pulled out all the stops to promote a "yes" vote.

Few International Observers

14. Despite repeated approaches, the GOAM refused to invite any international observers other than those from the Council of Europe. The only group of international observers accredited was a 14-member delegation made up of members of the Parliamentary Assembly of the Council of Europe (PACE) and the CoE's Congress of Local and Regional Authorities. Delegation members arrived in Armenia no earlier than November 24 and met with GOAM leaders and with members of the opposition and civil society. (Note: The Embassy also provided significant support to the delegation. End note.)

Inflated Urban Voter Turnout

15. (C) Throughout the day on November 27, credible reports of inflated voter turnout, particularly in Yerevan, called into serious question the vote tallies being reported by the Central Election Commission. Anecdotal reports of turnout in rural polling stations described precincts crowded with villagers and a holiday atmosphere reminiscent of the best

Soviet traditions. When observers visited polling stations in Yerevan, they saw few voters but full ballot boxes.

16. (C) Voting day rallies were poorly attended. Both the "yes" campaign and the opposition called for supporters to turn out to competing venues in downtown Yerevan, but just as with the referendum itself, turnout was meager. At its peak, Embassy security officers estimated turnout at the opposition rally at 600 - 700.

Fractured Opposition Calls for Revolution

17. (C) In a clear signal of its fractured nature, the opposition held several press conferences during the evening of November 27, disparaging the conduct of the referendum and calling for supporters to rally in Yerevan on the afternoon of November 28. Aram Sargsian, president of the radical opposition Republic party went furthest, declaring that "the revolution begins with a phone call, the revolution begins tomorrow." Sargsian dared the mostly government-aligned television stations covering the press conference to air his call to action.

Council of Europe Criticism ...

18. (U) The CoE observers held a press conference the afternoon of November 28 and released a statement which criticized strongly both the government's decision not to invite other international observers and the opposition's decision to withdraw from electoral commissions. The CoE statement declared that "the Referendum generally reflected the free will of those who voted. However, on voting day the observers witnessed serious abuse in several polling stations which cast a shadow over the credibility of the officially announced turn-out."

... But Not a Unanimous Condemnation of the Ballot

19. (C) Toward the end of the press conference, however, Lord John Tomlinson, a UK member of the CoE delegation made a "personal statement" which blunted the effect of the delegation's official statement. He stated that while he was "absolutely" certain that the government's turnout figure of 1.4 million was a fabrication, he was equally certain that turnout exceeded the 750,000 required for a "yes" vote to be valid. Journalists questioned how Tomlinson could come to such a judgment after having visited only 15 polling stations.

Local Observers Report due November 29

110. (C) The domestic observer group "It's Your Choice" (IYC) deployed 1,200 observers across Armenia. While it has not yet compiled its findings, Harutyun Hambardzumian, IYC's president, expressed his disappointment at the conduct of the CoE observer delegation. He claimed that CoE observers did not coordinate their activities with IYC nor did they share contact information. Hambardzumian said that one IYC observer was assaulted while trying to report violations. (Note: CoE observers lamented that they saw few domestic observers at any of the polling stations they visited. End Note.) Hambardzumian rejected the voter turnout figures of both the government and the opposition, saying that he believes IYC's data will show the true turnout figures as falling somewhere in between. IYC has scheduled a press conference for November 29.

Council of Europe Press Statement

111. (U) Begin text of Council of Europe Press Statement:

The Council of Europe observers to the Constitutional Referendum held on 27 November 2005 in Armenia regret the decision taken by the authorities which precluded the attendance of any other international observers. The transparency of the referendum was further hampered by the decision of the parliamentary opposition to call on their members to withdraw from the electoral commissions. It is also regrettable that political pluralism inside polling stations was not better assisted by a greater number of domestic observers.

The 14 member delegation from the Parliamentary Assembly and the Congress of Local and Regional Authorities noted that the Referendum generally reflected the free will of those who voted. However, on voting day the observers witnessed serious abuse in several polling stations which cast a shadow over the credibility of the officially announced turn-out.

On 25 and 26 November the delegation had meetings with the authorities, opposition members, NGOs, media representatives and the international community. The observers' impression was that during the campaign leading to the Referendum there

was not equal access to the media. This was to the disadvantage of the opposition to the constitutional changes and hampered genuine democratic debate.

The Council of Europe observers visited around 150 polling stations in the capital and across the country on voting day. The general atmosphere was calm and no incidents of public disorder were witnessed. In the majority of the polling stations visited the conduct of the poll was in compliance with international standards.

However, in a significant number of polling stations in Yerevan and other regions this was not so. The extremely low voting activity did not correspond to the high figures provided by the electoral commissions. There were also clear instances of forged additional signatures on the voters register and of ballot stuffing. The electoral regulations, requiring the stamping of the ballot after completion, created numerous situations where the secrecy of the vote was not respected. Military voting appeared to lack the voluntarism which is the hallmark of democratic participation.

In conclusion, the delegation considers that the abuses that marred the referendum were against the intent and interest of the Armenian people. It expects that the Central Electoral Commission investigate thoroughly all the allegations brought to its attention and that all the necessary measures will be taken against those responsible for fraud.

End Text.

12. (SBU) Begin Text of Recommended Press guidance:

- We note the statement of the Observer Delegation of the Council of Europe calls into serious question the voter turnout figures reported by the government

- We share their regret that the Government of Armenia chose not to invite observers from the OSCE's Office of Democratic Institutions and Human Rights. A full complement of international observers, deployed for a longer period throughout the Republic of Armenia, would have given greater credibility to the results of the voting.

- We note that the observer delegation statement reported serious abuses and allegations of fraud. These allegations should be investigated.

- It is clear that there is room for improvement in the voting process between now and the 2007 - 2008 parliamentary and presidential elections.

- We are working closely with the Government of Armenia, political parties and with civil society to implement a package of democracy-building measures aimed at helping Armenia achieve free and fair elections in 2007 - 2008.

EVANS